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SIPDIS

SENSITIVE

DEPT FOR SA/FO AMBASSADOR QUINN, SA/CT AND SA/A
NSC FOR AHARRIMAN, KAMEND
CENTCOM FOR POLAD, CG CFC-A, CG CJTF-76

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TAGS: [PGOV](#) [PREL](#) [PINR](#) [KAWC](#) [AF](#)

SUBJECT: EMERGING AFGHAN INTERAGENCY PROCESS TO MANAGE
TRANSFER OF DETAINEES

1. (SBU) Summary. USDOJ and CFC-A representatives briefed a delegation of Afghan officials on the fundamentals of an interagency process. The GOA officials are to become the working group that will decide the form of the process Afghanistan will use to receive detainees transferred by the USG. The group warmly welcomed the ideas presented and indicated their intent to move forward with the development of an interagency process. End Summary.

2. (SBU) The Afghan interagency process for transfer of custody of detainees began to take shape at a 6 December meeting held at the National Security Council. Deputy Attorney General Fazl Ahmad Faqeryar, Director of Policy and Oversight at the NSC Engineer Mohammed Daoud, General Director of Jails at the Ministry of Justice Brigadier General Abdul Salam Bakhshi, Deputy Head of Investigation at the National Directorate of Security Colonel Abdul Jalil Modafi, General Director of the Supreme Court Judiciary Administration Abdul Malik Kamavi, Advisor to the Minister of Interior Abdul Jabar Sabit, and Brigadier General Sayed Khalilullah Attaee, Head Inspector of the Education Department at the Ministry of Defense were on hand to hear from Bruce Pagel of USDOJ and Col. Manuel Supervielle of CFC-A on the fundamentals of an interagency process.

3. (SBU) The meeting took the form of a briefing from the DOJ and CFC representatives. They outlined the legal issues that the GOA must resolve, including the nature of the conflict and the status of combatants captured on the battlefield. Also covered was the prospective role of the legislative and judicial branches within the interagency process. Supervielle and Pagel said the Afghan interagency model could incorporate agencies of the judicial and legislative branch. Although it would be for the GOA to decide based on its legal analysis, including the judiciary could undermine judicial independence and create a real conflict of interest to the extent the court participates in the interagency process.

4. (SBU) The DOJ and CFC representatives emphasized to the Afghan attendees that the interagency process should be a wholly Afghan one. They stressed that the role of the USG in setting up the interagency process would be solely advisory. They also offered to arrange briefings led by experts on international law to offer additional ideas and options to the GOA. The immediate next step will be for the Afghan working group to meet without a US presence to establish their own mission statement.

5. (SBU) Comment. The Afghan officials present discussed, in Dari, the issues laid before them for several minutes during one interlude. There was no immediate consensus on the roles of the executive, judicial, and legislative branches, though there was agreement that this would be an NSC-coordinated effort. All officials present seemed receptive to the concept of developing an interagency process, and no one ministry representative appeared to want his ministry to dominate the process. A positive first step was taken at the end of the meeting, when the MOD and MOJ representatives agreed that the MOU concerning renovation of PeC Block 4 and its subsequent operation would be signed by 15 December. End comment.

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